

UNITED STATES CIVIL SERVICE COMMISSION
Office of the Executive Director
Interagency Advisory Group
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Minutes of the IAG Committee on Labor-Management Relations

August 24, 1978

OLMR Acting Deputy Director, Ron Leahy, chaired the meeting.

Charles Feigenbaum, OLMR Assistant Director for Operations, introduced Mr. Mel Valkenburg of GSA's Office of General Counsel, who discussed GSA's revised regulations on conduct on Federal property (published in the Federal Register, Vol. 43, No. 129--Wednesday, July 5, 1978). Attention was drawn to Section 101-20.309, which permits distribution of handbills "in areas of the property open to the public such as entrances, lobbies, and open corridors." Mr. Valkenburg explained that previous attempts by GSA to restrict handbilling in such areas had been found an unconstitutional restriction on free speech by the courts. He noted that the key to the GSA regulation was the expression "open to the public"--i.e., where the public can freely walk in without an ID or pass. A question was asked concerning the applicability of the regulations to space leased by GSA. It was noted that because GSA does not lease lobbies or open corridors its regulations would not apply to them. If, on the other hand, a complete floor is leased, the corridors are covered by the regulations. It appears that little can be done to prevent unions from entering and using those areas "open to the public" for the purpose of handbilling, except where such activity results in obstruction of traffic, creates disturbances, etc. Mr. Feigenbaum added that although one could not deny union handbillers the use of the space "open to the public," the regulations did not require that management provide facilities (tables, chairs, etc.) to the handbillers.

Regarding the status of the Reform Bill, Mr. Feigenbaum reported that the Senate had unexpectedly decided to take up the measure that very day (August 24th). The House was not expected to resume debate on the matter until after the Labor Day recess. (Later that day the Senate voted 87 to 1 in favor of an amended Reform Bill).

It was announced that the Commissioners had approved a draft of FPM 335 on Merit Promotion which will be published in the Federal Register within the next two weeks for formal comment.

The next item on the agenda concerned agency involvement in the implementation of Civil Service Reorganization and Reform. A conference is scheduled for October 22-25 at Ocean City, MD. There will be approximately 400 participants consisting of 70 Personnel Directors, 50 CSC officials, and the remainder agency managers. Pre-conference activities involve the establishment of eight task groups to define issues and develop plans for the Conference.

One of these (Task Group #6) is dealing with labor-management relations. Task Group #6 is co-chaired by Anthony Ingrassia (Director, OLMR/CSC) and Ben Beeson (Personnel Director, Dept. of Army). Their alternates are Ron Leahy (CSC) and William Schrader (Army). Personnel officers in the group are: Jeremiah Barrett (National Gallery of Art), Robert Kliefoth (International Trade Commission), John McKune (Interior), Richard Tobin (Pension Benefit Guaranty Corporation), and Howard Toy (Smithsonian). Agency managers include: John Betar (FDIC), B. Fred Toback (NLRB) Britt Lenz (Commodity Futures Trading Commission), and Michael DiMario (GPO). At least two more agency managers will be added soon.

Task Group #6 will focus its attention on: (1) a statement of philosophy and policy; (2) defining the roles of OPM, agencies, and third-party authorities in the labor relations program; and (3) negotiating grievance/arbitration clauses covering a wide range of appeals.

Fred Archer of the OLMR staff then discussed GAO's final regulations on procedures to be followed in obtaining, in a labor-management relations context, opinions on disbursements of appropriated funds. (Federal Register, Vol. 43, No. 145, Thursday, July 27, 1978). He noted that the rules are essentially a codification of established practices concerning disbursement questions arising out of arbitration awards and decisions of the Assistant Secretary of Labor and Federal Labor Relations Council. One of the purposes of the regulations is to ensure that interested parties receive notice and are given an opportunity to comment. The Comptroller General will also issue advisory opinions on a discretionary basis, provided the questions raised are not purely speculative. Fred emphasized that appellants are still responsible for filing appeals under the rules of the Federal Labor Relations Council. Comptroller General decisions relate solely to the legality of disbursements of appropriated funds and do not reach to questions falling under the jurisdiction of the Council. In the discussion that followed it was suggested that when filing an appeal with the Council or the Assistant Secretary concerning cases involving disbursement of funds, the appeal should advise FLRC and A/SLMR when the agency is asking for a decision from GAO on the disbursement question.

At the close of the meeting distribution was made of a LAIRS Information Bulletin summarizing a recent research report on the financial structure of unions in the Federal sector. Copies may be obtained from the LAIRS office.